

ADVISORY OPINION 94-021

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

November 11, 1994

Mr. David A. Lee
Kapp & Company
713 E. Market Street
Louisville, Kentucky 40202

Dear Mr. Lee:

Thank you for contacting the Registry. The facts provided in your letter may be summarized as follows:

The Democratic Women's Club of Kentucky ("Women's Club") would like to make a five hundred dollar (\$500) contribution to State Senator Susan Johns' re-election campaign. Senator Johns' campaign treasurer has not accepted the Women's Club contribution because he is uncertain if the Club may contribute as a political action committee ("PAC") or as another type of group.

Based on the information you have provided, your question can be stated as follows:

Whether the Democratic Women's Club of Kentucky may contribute five hundred dollars (\$500) to State Senator Susan Johns' re-election campaign.

The Democratic Women's Club of Kentucky is subject to KRS Chapter 121 with respect to campaign contributions. Under this chapter, it appears that the Women's Club may contribute to a campaign either as a permanent committee or a contributing organization.

A permanent committee is defined as:

[A] group of individuals, including an association, committee or organization, other than a campaign committee, political issues committee, inaugural committee, or party executive committee, which is established as, or intended to be, a permanent organization having as a primary purpose political activity which may include support of or opposition to selected candidates, slates of candidates, political parties, or issues of public importance, and which functions on a regular basis throughout the year.

Consistent with KRS 121.170(1) and KRS 121.180(6)(b), the permanent committee must also register with the Registry of Election Finance ("Registry") and pay an administrative fee. Currently, Registry records do not reflect that the Women's Club is registered as a PAC. Therefore, it could not contribute as a PAC until registered.

As the Women's Club is not a registered PAC, it may contribute to a campaign as a "contributing organization" if its activities qualify under the statutory definition. A "contributing organization" is defined by KRS 121.015(4) as:

[A] group which merely contributes to candidates, campaign committees, or executive committees from time to time from funds derived solely from within the group, and which does not solicit or receive funds from sources outside the group itself. However, any contributions made by the groups in excess of one hundred dollars (\$100) shall be reported to the Registry.

KRS 121.150(6) allows a permanent committee or contributing organization to contribute up to five hundred dollars (\$500) per election to a candidate.

Please contact us if you have further questions. Thank you.

Sincerely,

Rosemary F. Center
General Counsel

RFC/db